



**Service of Process
Transmittal**

01/07/2022

CT Log Number 540848748

TO: Kristina Ciaffi
Otis Elevator Company
1 FARM SPRINGS RD
FARMINGTON, CT 06032-2572

RE: Process Served in California

FOR: Otis Elevator Company (Domestic State: NJ)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: John Bratkowsky // To: Otis Elevator Company

DOCUMENT(S) SERVED: --

COURT/AGENCY: None Specified
Case # 21CIV04022

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition

ON WHOM PROCESS WAS SERVED: C T Corporation System, GLENDALE, CA

DATE AND HOUR OF SERVICE: By Process Server on 01/07/2022 at 01:29

JURISDICTION SERVED : California

APPEARANCE OR ANSWER DUE: None Specified

ATTORNEY(S) / SENDER(S): None Specified

ACTION ITEMS: CT will retain the current log
Image SOP
Email Notification, Donyale Stewart donyale.stewart@otis.com
Email Notification, Kristina Ciaffi kristina.ciaffi@otis.com
Email Notification, Brenda Morton brenda.morton@otis.com
Email Notification, Maria Osusa maria.osusa@otis.com

REGISTERED AGENT ADDRESS: C T Corporation System
330 N BRAND BLVD
STE 700
GLENDALE, CA 91203
800-448-5350
MajorAccountTeam1@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



PROCESS SERVER DELIVERY DETAILS

Date: Fri, Jan 7, 2022

Server Name: Jimmy Lizama

Entity Served	OTIS ELEVATOR COMPANY
Case Number	21-CIV-04022
Jurisdiction	CA



SUMMONS (CITACION JUDICIAL)

SUM-100

NOTICE TO DEFENDANT: Otis Elevator Company,
(AVISO AL DEMANDADO):

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

Electronically
FILED

by Superior Court of California, County of San Mateo

ON **7/26/2021**

By /s/ Anthony Berini
Deputy Clerk

Does 1-50

YOU ARE BEING SUED BY PLAINTIFF: John Bratkowsky
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

San Mateo County Superior Court
400 Civic Center
400 Civic Center
Redwood City, CA 94063

CASE NUMBER:
(Número del Caso): **21-CIV-04022**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Michael R. Solomon, SBN: 164571 415-400-7000 415-400-7055
Liuzzi, Murphy, Solomon, Churton, Hale & Winnett, LLP
235 Montgomery Street, Suite 440
San Francisco, CA 94104

Neal I. Taniguchi /s/ Anthony Berini

DATE: **7/26/2021**

Clerk, by _____, Deputy
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): **Otis Elevator Company**

- under:
- | | |
|--|---|
| <input checked="" type="checkbox"/> CCP 416.10 (corporation) | <input type="checkbox"/> CCP 416.80 (minor) |
| <input type="checkbox"/> CCP 416.20 (defunct corporation) | <input type="checkbox"/> CCP 416.70 (conservatee) |
| <input type="checkbox"/> CCP 416.40 (association or partnership) | <input type="checkbox"/> CCP 416.90 (authorized person) |
| <input type="checkbox"/> other (specify): | |

4. ☐ by personal delivery on (date):



CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Michael R. Solomon, SBN: 164571 Liuzzi, Murphy, Solomon, Churton, Hale & Winnett, LLP 235 Montgomery Street, Suite 440 San Francisco, CA 94104		FOR COURT USE ONLY <div style="text-align: center;">Electronically FILED</div> by Superior Court of California, County of San Mateo ON 7/26/2021 By /s/ Anthony Berini Deputy Clerk	
TELEPHONE NO.: 415-400-7000 FAX NO.: 415-400-7055 ATTORNEY FOR (Name): Plaintiff John Bratkowsky			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Mateo STREET ADDRESS: 400 Civic Center MAILING ADDRESS: 400 Civic Center CITY AND ZIP CODE: Redwood City, CA 94063 BRANCH NAME:			
CASE NAME: John Bratkowsky v. Otis Elevator Company			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
		CASE NUMBER: 21-CIV-04022 JUDGE: DEPT:	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input checked="" type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): Two: General Negligence, Common Carrier
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)
- Date: July 26, 2021

Michael R. Solomon, SBN: 164571
 (TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

PLD-PI-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Michael R. Solomon, SBN: 164571 Liuzzi, Murphy, Solomon, Churton, Hale & Winnett, LLP 235 Montgomery Street, Suite 440 San Francisco, CA 94104 TELEPHONE NO: 415-400-7000 FAX NO. (Optional): 415-400-7055 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff John Bratkowsky		FOR COURT USE ONLY Electronically FILED by Superior Court of California, County of San Mateo ON 7/26/2021 By /s/ Anthony Berini Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Mateo STREET ADDRESS: 400 Civic Center MAILING ADDRESS: 400 Civic Center CITY AND ZIP CODE: Redwood City, CA 94063 BRANCH NAME: PLAINTIFF: John Bratkowsky DEFENDANT: Otis Elevator Company		
<input checked="" type="checkbox"/> DOES 1 TO 50 COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Common Carrier, Neg <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input checked="" type="checkbox"/> Other Damages (specify): Prejudgment Interest per Civil Code Section 3291		
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		CASE NUMBER: 21-CIV-04022

1. Plaintiff (name or names): John Bratkowsky

alleges causes of action against defendant (name or names): Otis Elevator Company

2. This pleading, including attachments and exhibits, consists of the following number of pages: 5

3. Each plaintiff named above is a competent adult

a. ☐ except plaintiff (name):

- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity (describe):
- (3) ☐ a public entity (describe):
- (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
- (5) ☐ other (specify):

b. ☐ except plaintiff (name):

- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity (describe):
- (3) ☐ a public entity (describe):
- (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
- (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

Page 1 of 3

PLD-PI-001

SHORT TITLE: John Bratkowsky v. Otis Elevator Company

CASE NUMBER:

21-CIV-04022

4. ☐ Plaintiff (name):

is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a. ☒ except defendant (name): Otis Elevator Company(1) ☐ a business organization, form unknown(2) ☒ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):c. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):b. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):d. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):☐ Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

a. ☒ Doe defendants (specify Doe numbers): 1-50 were the agents or employees of other named defendants and acted within the scope of that agency or employment.b. ☒ Doe defendants (specify Doe numbers): 1-50 are persons whose capacities are unknown to plaintiff.7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

a. ☐ at least one defendant now resides in its jurisdictional area.b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.d. ☐ other (specify):9. ☐ Plaintiff is required to comply with a claims statute, anda. ☐ has complied with applicable claims statutes, orb. ☐ is excused from complying because (specify):

PLD-PI-001

SHORT TITLE: John Bratkowsky v. Otis Elevator Company

CASE NUMBER:

21-CIV-04022

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. ☐ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☐ Premises Liability
- f. ☒ Other (specify): Common Carrier

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☐ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☐ property damage
- f. ☒ loss of earning capacity
- g. ☐ other damage (specify):

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are
- a. ☐ listed in Attachment 12.
 - b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages


The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$ 0 . 00

15. ☒ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):
GN-1,

Date: July 26, 2021

Michael R. Solomon
(TYPE OR PRINT NAME)


(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001(2)

SHORT TITLE: John Bratkowsky v. Otis Elevator Company

CASE NUMBER
21-CIV-04022First _____ CAUSE OF ACTION—General Negligence
(number)

Page 4 _____

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): John Bratkowsky

alleges that defendant (name): Otis Elevator Company

☒ Does 1 _____ to 50 _____

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): August 7, 2019

at (place): 1480 Burlingame Avenue, Burlingame, California.

(description of reasons for liability):

Plaintiff JOHN BRATKOWSKY was at said time and place an employee of AT&T, and was working at AT&T's offices, located at 1480 Burlingame Avenue, Burlingame, California. At said time and place, defendants, and each of them, their agents and assigns, negligently and carelessly maintained, serviced and controlled the elevator of said premises, in that they caused and allowed the elevator to remain in-service and available for use despite the fact that the elevator had maintenance problems such as free falling and improper leveling prior to August 7, 2019. Defendants, and each of them, without warnings or signage, allowed the hazardous and dangerous elevator to exist and remain in service, to be used by unsuspecting users of the elevator, such as Plaintiff.

The hazardous and dangerous condition of the elevator created a foreseeable risk of injury to persons such as Plaintiff attempting to use the elevator. Defendants knew, or in the exercise of ordinary care should have known, of the hazardous and dangerous condition of the elevator, had actual and/or constructive knowledge or notice of said hazardous and dangerous condition, and failed to remedy or warn of said condition, despite having a reasonable opportunity to do so, and that as a direct result of the negligence and carelessness of defendants, and each of them, as aforesaid, the elevator car free-fell 1-2 floors, causing Plaintiff, who entered the elevator on the fourth floor, to fall and sustain serious personal injuries.

PETITIONER/PLAINTIFF: John Bratkowsky
RESPONDENT/DEFENDANT: Otis Elevator Company

CASE NUMBER:
21-CIV-04022

Second Cause of Action for Common Carrier Liability (Civil Code Sections 2100, 2103) Page 5

Plaintiff JOHN BRATKOWSKY re-alleges and incorporates by reference herein each and every allegation set forth above, inclusive, with the same force and effect as though fully set forth herein.

At all time mentioned herein, defendants and each of them, held their elevator service open to passengers traveling from floor to floor at 1480 Burlingame Avenue, Burlingame, CA, including plaintiff, and were a common carrier of persons and as such owed to its passengers, including plaintiff, the following duties, which they breached:

- a. To conduct its operations in a lawful and reasonable manner to assure the safety of its passengers, such as plaintiff;
- b. To use the highest care and vigilance of a very cautious person and to do all that human vigilance and foresight reasonably can do under the circumstances to avoid harm to its passengers, such as plaintiff;
- c. To use the utmost care and diligence for the safe carriage of its passengers, such as plaintiff, and to provide everything necessary for that purpose;
- d. To use a reasonable degree of skill to provide everything necessary for the safe carriage of its passengers, such as plaintiff;
- e. To use reasonable skill to ensure its maintenance personnel were capable and properly trained to accomodate passengers such as plaintiff.

Defendants, and each of them, breached these duties to plaintiff by failing to properly maintain and service the elevator at the subject premises, in that they caused and allowed the elevator to remain in-service and available for use despite the fact that the elevator had maintenance problems such as free falling and improper leveling prior to August 7, 2019. Defendants, and each of them, as a common carrier, have a special relationship with its passengers, such as plaintiff, to prevent this type of harm from occurring. The actions of defendants, and each of them, were the proximate cause of, and a substantial factor in causing plaintiff's injuries and damages aforesaid.